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**From:** Tomiak, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E43D67FE354A4D06BE80AFA6EB65E614-TOMIAK, ROB]  
**Sent:** 4/19/2017 10:18:08 PM  
**To:** Knight, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=47fc4b0c90f94826a1d9a48381f4009f-Knight, Kel]; Marshall, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5d29134e5e32489b9ab0aeb262f55075-TMARSHAL]  
**Subject:** Fwd: R9 weekly report

FYI

Begin forwarded message:

**From:** "Tomiak, Robert" <tomiak.robert@epa.gov>  
**Date:** April 19, 2017 at 6:17:46 PM EDT  
**To:** "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>  
**Cc:** "Cozad, David" <Cozad.David@epa.gov>  
**Subject:** Fwd: R9 weekly report

One primary concern I continue to have is that R9 is not including you as the Acting AA in their thought and vetting process.

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

Meanwhile, t Deliberative Process / Ex. 5

V/R, Rob

Begin forwarded message:

**From:** "Tomiak, Robert" <tomiak.robert@epa.gov>  
**Date:** April 19, 2017 at 6:13:35 PM EDT  
**To:** "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>  
**Cc:** "Moutoux, Nicole" <Moutoux.Nicole@epa.gov>, "Knight, Kelly" <knight.kelly@epa.gov>, "Marshall, Tom" <marshall.tom@epa.gov>, "Brush, Jason" <Brush.Jason@epa.gov>, "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>  
**Subject:** Re: R9 weekly report

Including Mindy and John from OW. I Deliberative Process / Ex. 5  
until next week. I suggest a coordination call with us and OW soonest to lay out your thoughts and options.

Thanks, Rob

On Apr 19, 2017, at 5:38 PM, Johnson, Kathleen <Johnson.Kathleen@epa.gov> wrote:

Jason reports that the groundwater technical meeting yesterday was a rehash of existing information. Nothing new was presented. We will be updating our RA on Friday. We will try to set up a briefing for you on

this early next week and would be happy to have anyone from OW also participate.

Kathleen H. Johnson  
Director, Enforcement Division  
U.S. EPA - Region 9  
75 Hawthorne Street ENF-1  
San Francisco, CA 94015  
415/972-3873  
[johnson.kathleen@epa.gov](mailto:johnson.kathleen@epa.gov)

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**From:** Tomiak, Robert  
**Sent:** Wednesday, April 19, 2017 6:51 AM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Cc:** Moutoux, Nicole <[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)>; Knight, Kelly <[knight.kelly@epa.gov](mailto:knight.kelly@epa.gov)>; Marshall, Tom <[marshall.tom@epa.gov](mailto:marshall.tom@epa.gov)>  
**Subject:** RE: R9 weekly report

Kathleen,

We need an update please. I have conferred with our OW counterparts, and can share that outcome as well. Let's set up a coordination call/brief for this afternoon, or tomorrow morning your time.

Thanks, Rob

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**From:** Johnson, Kathleen  
**Sent:** Monday, April 17, 2017 1:05 PM  
**To:** Strauss, Alexis <[Strauss.Alexis@epa.gov](mailto:Strauss.Alexis@epa.gov)>; Tomiak, Robert <[tomiak.robert@epa.gov](mailto:tomiak.robert@epa.gov)>  
**Cc:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Cozad, David <[Cozad.David@epa.gov](mailto:Cozad.David@epa.gov)>; Moutoux, Nicole <[Moutoux.Nicole@epa.gov](mailto:Moutoux.Nicole@epa.gov)>  
**Subject:** RE: R9 weekly report

## Deliberative Process / Ex. 5

Kathleen H. Johnson  
Director, Enforcement Division  
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75 Hawthorne Street ENF-1  
San Francisco, CA 94015  
415/972-3873  
[johnson.kathleen@epa.gov](mailto:johnson.kathleen@epa.gov)

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**From:** Strauss, Alexis  
**Sent:** Monday, April 17, 2017 9:56 AM  
**To:** Tomiak, Robert <[tomiak.robert@epa.gov](mailto:tomiak.robert@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Cc:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Cozad, David

<Cozad.David@epa.gov>

**Subject:** RE: R9 weekly report

I suggest involving the Water programs (Tomas Torres, Jason Brush) after this week's Rosemont meeting, when new info is available. I don't need to be part of that update.

Alexis Strauss  
Acting Regional Administrator  
E.P.A. Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
415-972-3572

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**From:** Tomiak, Robert  
**Sent:** Monday, April 17, 2017 9:52 AM  
**To:** Strauss, Alexis <Strauss.Alexis@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>  
**Cc:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>  
**Subject:** RE: R9 weekly report

Alexis/Kathleen,

Thanks for sharing the update. I think your staff did a great job of cuing up the issues;

## **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

With a final biological opinion from USFWS and the expectation that the USACE will issue a 404 permit, perhaps the focus should instead be on what we believe it would take to alleviate our remaining significant concerns, such as specific mitigative measures that we want to see incorporated.

Larry and I think it would be helpful for a quick coordination call on this. What is your availability today?

Thanks, Rob

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**From:** Strauss, Alexis  
**Sent:** Monday, April 17, 2017 12:06 PM  
**To:** Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>  
**Subject:** R9 weekly report

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**From:** Strauss, Alexis  
**Sent:** Thursday, April 13, 2017 5:08 PM  
**To:** Weekly Report Group <Weekly\_Report\_Group@epa.gov>  
**Cc:** Nishida, Jane <Nishida.Jane@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Subject:** R9 weekly report

# Unrelated/Unresponsive

2. <!--[if !supportLists]--><!--[endif]-->**ROSEMONT (AZ) COPPER MINE: (FYI)** next Tuesday, April 18 in Phoenix, EPA will join the US Forest Service and the Corps of Engineers to discuss water quality and other issues related to the proposed Rosemont copper mine, which we have reviewed under NEPA and CWA. The Forest Service will issue its Record of Decision in May, the Corps its CWA 404 decision some time thereafter. CEQ has been coordinating the multi-agency engagement. I attach a one-page briefing paper and will update Ken W, OW and OECA when EPA decision time nears.

# Unrelated/Unresponsive

**Unrelated/Unresponsive**

# Unrelated/Unresponsive

Kind regards,  
Alexis

Alexis Strauss  
Acting Regional Administrator  
E.P.A. Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
415-972-3572

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